

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CARLOS ESCARZA,

PLAINTIFF,

v.

THE BANK OF NEW YORK MELLON
f/k/a The Bank of New York, as Trustee for
CWHEQ Inc., Home Equity Loan Asset
Backed Certificates, Series 2006-S10,
SPECIALIZED LOAN SERVICING LLC
and MCCALLA RAYMER LEIBERT
PIERCE, LLC,

DEFENDANTS.

Case No. 20 CV 02341

Judge: Honorable Marvin E. Aspen

Magistrate Judge: Honorable Sidney I. Schenkier

**MCCALLA RAYMER LEIBERT PIERCE, LLC'S
MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

NOW COMES the Defendant, MCCALLA RAYMER LEIBERT PIERCE, LLC, and pursuant to Federal Rule of Civil Procedure 12(b)(6) moves this Honorable Court to Dismiss Plaintiff's Complaint, and in support thereof states as follows:

1. Plaintiffs seek a finding that McCalla Raymer Leibert Pierce, LLC violated the Fair Debt Collection Practices Act by seeking to collect a time-barred debt.
2. As more fully set forth in Defendant's Memorandum of Law, Plaintiff failed to state a cause of action upon which relief could be granted because the debt is not time-barred under Illinois Law.
3. Accordingly, Plaintiff's claims must be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

By: /s/ Brian R. Merfeld (ARDC No. 6280615)
Attorney for Defendant

Brian R. Merfeld (brian.merfeld@mccalla.com)
McCalla Raymer Leibert Pierce, LLC
Attorney for Defendant, McCalla Raymer Leibert Pierce, LLC
1 N. Dearborn, Suite 1200
Chicago, IL 60602
312-346-9088